UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.166
10 October 1994

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

SUMMARY RECORD OF THE 166th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 October 1994, at 10 a.m.

Chairperson: Mr. HAMMARBERG

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GE.94-19149 (E)

The meeting was called to order at 10.20 a.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 5)

1. The CHAIRPERSON invited the Rapporteur to introduce her report on developments relevant to the Committee's work that had occurred since the preceding session and developments relating to other human rights monitoring bodies.

2. Mrs. SANTOS PAIS (Rapporteur) noted that the representative of the Secretary-General had already reminded the Committee of the meeting of States parties to the Convention to be held on 10 October, 1994 which was expected to recommend that, in view of the unprecedented number of States parties and the number of country reports pending, the Committee should, from 1995 onwards, hold three regular sessions a year. Already 166 States had decided to ratify or accede to the Convention, which meant that there were only about 12 which had still not signed it. For the first time in the history of the United Nations, the international community was close to the universal ratification of a human rights convention. Universality of the Convention on the Rights of the Child would constitute an inspiring contribution to the commemoration of the fiftieth anniversary of the United Nations. It would show how children made possible a different political attitude on the part of Governments and how the implementation of children's rights could be an initial stage in universal respect for fundamental rights and freedoms.

3. The Committee's workload made it essential for it to be given adequate staff and support so that it could discharge its mandate in an effective and expeditious manner. The Committee had already asked the Secretary-General for a minimum of two additional Professional and one additional General Service posts. However, it continued to be clearly understaffed and the situation had moved from being urgent to dramatic.

4. Regarding procedure for urgent action, she recalled that the importance of adopting a special procedure to deal with urgent developments had been recognized by the various treaty bodies and the Commission on Human Rights. At a meeting of Special Rapporteurs and working groups of the Commission and representatives of the Advisory Services Branch, the participants had stressed the importance of being able to act whenever urgent situations occurred and to ensure follow-up to any mission that might have been undertaken. They had recognized the importance of organizing common missions, where the complementary role of their different mandates could contribute to the better assessment of the situation and better recommendations to the Government concerned. They had taken the view that that complementarity should be understood as covering not simply their own mandates, but also the mandates of the treaty monitoring bodies and the United Nations offices working at the country level. Those offices would in fact be the ones that would have to assist them whenever a mission was undertaken and they often had an important role in peace-keeping operations or human rights activities.

5. Regarding the submission of reports, she recalled that the Declaration adopted by the treaty bodies during the World Conference on Human Rights had stated that the submission of reports was an international obligation and that failure to report constituted a violation of that obligation. That approach

had been reaffirmed by the different committees of experts. The Committee on Economic, Social and Cultural Rights had emphasized that a reporting obligation undertaken voluntarily by States parties was binding upon them. The obligation thus assumed should never be reduced especially when that would amount to rewarding a State for deferring the submission of a report. That Committee had also decided to consider the situation in relation to four States parties which had not submitted an initial report since becoming parties to the Covenant by appointing a country rapporteur who would lead the discussion in the light of the adopted guidelines for reporting and on the basis of the information available. The Committee on the Rights of the Child had not yet taken a similar decision but it might be obliged to do so in the future.

6. The Committee on Economic, Social and Cultural Rights had also discussed the question of examining a report in the absence of a representative of the State party. She recalled that the Committee on the Rights of the Child had faced a similar situation and reached the same decision, namely to go ahead with the examination. There had also been a discussion on the content of the concluding observations and it had been stressed that a clear distinction should be made between, on the one hand, "factors and difficulties", which should cover situations for which a Government could not be held accountable, and on the other, "principal areas of concern", which should be reserved for areas in which States failed to live up to their responsibilities under the Covenant. The Committee on the Rights of the Child could well take the same approach.

7. Regarding follow-up measures and programmes of technical advice or assistance, the Commission on Human Rights had invited treaty bodies to include proposals in their recommendations for specific projects to be executed under the programme of advisory services. Various activities could be envisaged in that framework, such as the organization of seminars and training courses, or the drafting of basic legal texts in conformity with the international conventions on human rights. The Committee on the Rights of the Child had already taken such an approach, for example, in the case of Viet Nam. It had regularly shown willingness to cooperate with the Centre for Human Rights, other relevant bodies within the United Nations system, and NGOs. It had included a special table in its reports clearly identifying areas in which technical advice or assistance was recommended, as well as cooperation with NGOs. In his report on advisory services to the Commission on Human Rights the Secretary-General had termed the NGOs key actors in the advisory services and technical assistance programme. Increasingly, the Centre was being called upon to solicit the input of national NGOs, invite them to seminars or training courses, and support appropriate projects developed by them. However, advisory services should never be seen as a substitute for the monitoring of the human rights programme. The provision of such services did not in any way reduce a Government's responsibility nor would it exempt it from scrutiny through the various monitoring procedures established by the United Nations.

8. In the course of the reporting process, the Committee on the Rights of the Child had systematically raised the question of reservations in its dialogue with States parties and had experienced some success in so doing. The Human Rights Committee was currently preparing a new general comment on

the reservations made to the International Covenant on Civil and Political Rights. Such a general comment would be very useful to the Committee on the Rights of the Child.

9. Regarding education in human rights, she said that the General Assembly intended to launch a United Nations Decade for Human Rights Education, together with a plan of action by the Secretary-General. As part of its contribution, the Commission on Human Rights had decided to urge States to reinforce the teaching of human rights in primary and secondary schools and to encourage the human rights monitoring bodies to intensify their efforts to bring about better implementation by States parties of their treaty-based obligations in regard to education and aspects of education linked to human rights. The next general discussion in the Committee on Economic, Social and Cultural Rights was to be on human rights education and public information, and the Committee on the Rights of the Child had indicated its interest in participating. All those steps would encourage the Committee to continue to recommend States parties to include the Convention on the Rights of the Child in school curricula.

10. Public information on human rights had three main objectives: to stimulate public interest in human rights issues, to create public awareness of the principles involved in human rights standards and to foster increased involvement of people around the world in human rights issues. The significant increase in the rate at which human rights treaties were being ratified had been seen as a measure of the success of activities in that area, the Convention on the Rights of the Child being mentioned as an example. The Centre for Human Rights had engaged in a comprehensive revision and evaluation of its programme in order to formulate a new information strategy. To that end, it had established a working group on information within the Advisory Services, Technical Assistance and Information Branch. One of the actions considered, specifically recommended by the Committee on the Rights of the Child, had been the establishment in 1994 of a library within the Centre for Human Rights, following requests from human rights treaty bodies for the establishment of a documentation and information unit. There was general agreement that an internal library would help members of the treaty bodies and the Centre's staff in their work. A number of publications were being revised, such as Fact Sheet No. 10 on the rights of the child and the Manual on human rights reporting, which was to include a chapter on the Convention, as well as the "Manual for Schools of Social Work and the Social Work Profession" and the "Handbook on International Standards related to Pre-trial Detention", both of which covered areas important for the protection of children. The Commission on Human Rights had urged the Secretary-General to utilize the United Nations information centres to disseminate not only basic information and reference materials on human rights but also the reports transmitted by States parties to the treaty bodies. To that end, those centres should be provided with copies of the reports in the official languages of the United Nations and in the relevant national languages, as a means of encouraging public participation.

11. Turning to thematic issues of interest to the Committee, she said that the Convention on the Rights of the Child had become a natural reference work for studies and reports by other United Nations bodies. At the same time, the activities being developed often pertained to children and the enjoyment of

their rights. One example was the set of guidelines on the protection and care of refugee children published by the High Commissioner for Refugees, which had been inspired by the Convention and shaped in the light of its general principles. Also, the Commission on Human Rights had established a working group to draft an optional protocol to prevent the recruitment of children into the armed forces, and another to elaborate guidelines for a possible optional protocol on the sale of children, child prostitution and child pornography. Those groups would be meeting in Geneva shortly after the session and it was hoped that the Committee's comments would be taken into account. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, through its Working Group on Contemporary Forms of Slavery, had urged States to introduce and reinforce educational programmes to alert children to the risks of sexual exploitation and adopt programmes designed to protect children from involvement in pornography. As to children affected by armed conflicts, the most important development had been the appointment by the Secretary-General of Mrs. Graça Machel from Mozambique to undertake the major study which the Committee on the Rights of the Child had requested and to which it had been asked to contribute.

12. The administration of juvenile justice had been a crucial field of activity for the Committee and it had frequently expressed its interest in taking part in the meeting of experts on the application of international standards concerning the human rights of detained juveniles to be held shortly in Vienna. It was hoped that the recommendations adopted at that meeting would be of great value to children involved with the administration of juvenile justice, and promote serious consideration of United Nations standards in that field. The Sub-Commission had recently adopted a new resolution on the situation of children deprived of liberty and had invited the Committee on the Rights of the Child to give priority to an in-depth examination of the topic. She believed it would be extremely timely to devote one of the Committee's future general discussions, perhaps even the next one, to that issue.

13. Regarding violence against children, she said that, within the framework of its mandate, the Committee had paid particular attention to the child's right to physical integrity. It had stressed that corporal punishment of children was incompatible with the Convention and had often proposed the revision of existing legislation as well as educational campaigns to prevent child abuse and physical punishment of children. That concern had been shared by various United Nations bodies, often linked with the promotion of the status of the girl child and the persistence of traditional practices affecting girls' health. At its forty-eighth session, the General Assembly had adopted an important Declaration on the Elimination of Violence against Women (resolution 48/104) condemning violence within the family, sexual abuse of female children within the household and female genital mutilation. The Declaration emphasized the importance of preventing such situations and of protecting and rehabilitating the victims. It also requested United Nations bodies, including the treaty bodies, to increase their coordination and address the matter effectively. The Commission on Human Rights had appointed a Special Rapporteur on violence against women, and in April 1994 the Commission on Crime Prevention and Criminal Justice had adopted a resolution on the same theme, specifically stressing the importance of article 19 of the Convention on the Rights of the Child. It had also called on States to take

all possible steps to eliminate violence against children, in accordance with the Convention, to disseminate information on it, and to withdraw any reservations relevant to the issue of violence against children which were contrary to the object of the Convention or otherwise incompatible with international treaty law. It was hoped that its cooperation with the Committee would be strengthened in the near future. The Sub-Commission had also paid special attention to the question of traditional practices affecting the health and status of girl children. It had decided to adopt a plan of action on traditional practices affecting the health of women and children, and to consider the human rights of the girl child under every item of its agenda as well as in all studies undertaken under its auspices.

14. On the protection of minorities, the Human Rights Committee had recently adopted a general comment interpreting article 27 of the International Covenant on Civil and Political Rights. The comment would constitute an important reference document deserving careful consideration by the Committee on the Rights of the Child. It stated that the rights recognized by the Covenant were available to all individuals within the territory and subject to the jurisdiction of the State, except for rights which expressly applied to citizens, as in the case of political rights, and that such rights were also available to non-permanent residents. Though expressed in negative terms, article 27 of the Covenant recognized that a right existed and required that it should not be denied. Although the rights protected were individual rights, they depended on the ability of the minority group to maintain its culture, language or religion. Protection of those rights should therefore be directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned. The Sub-Commission, recalling the significant contributions made by various treaty bodies, including the Committee on the Rights of the Child, had recommended that the Commission on Human Rights should establish a working group to review the practical application of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992.

15. There had been a large number of relevant actions in the past year in the field of economic, social and cultural rights. Several resolutions had been adopted, studies undertaken and thematic discussions held and preparations had been made for the World Summit for Social Development. Growing interest had been shown in the situation of children in extreme poverty. She recalled that 1996 was to be the International Year for the Eradication of Poverty. The Committee had been encouraged to take extreme poverty into consideration in order to promote the enjoyment by all children of the rights recognized in the Convention. The general discussion to be held soon on the role of the family in promoting the rights of the child would be an opportunity for reaffirming that concern and developing recommendations in that crucial area. In that connection, mention should be made of the attention paid by the Sub-Commission to the right to adequate housing; it had, in fact, requested the Committee to give special attention to the issue of the housing rights of children and their families when it examined the reports of States parties and to devote one day of general discussion to the impact of poverty and inadequate living and housing conditions on the economic, social and cultural rights of children. In the light of that request, the Committee might wish to include the issue in its list of topics for study. Positive developments already

included the recent decision of the Inter-American Development Bank to assist, through non-reimbursable financing, thousands of Latin American children currently living in extreme poverty and lacking stable homes.

16. The Committee on Economic, Social and Cultural Rights had held a thematic discussion on the role of social safety nets as a means of protecting those rights, with particular reference to situations involving major structural adjustment. During the discussion, the Committee had stressed that structural adjustment policies were imposed not by external forces, but through decisions by Governments. The Committee had also recognized that international organizations sometimes focused too much on their own mandates, which were not defined in terms of human rights. It had recalled that the starting-point should always be access to a minimum level of enjoyment of fundamental economic and social rights, and that both IMF and the World Bank should insist on the responsibility of States to respect human rights and empower their people. It had also stated that, if a structural adjustment programme entailed limiting social expenditure and as a result left more people in poverty and gave fewer people access to health care and education, such a programme was a failure.

17. Both IMF and UNDP had taken part in the discussion. IMF had stressed that its purpose was not to promote growth but to halt deterioration and to provide opportunities for all sectors of society. UNDP, for its part, had considered structural adjustment policies to be necessary steps towards economic recovery, but had stressed that development must be measured in terms of not only per capita income but also realization of the rights to health care or education enshrined in human rights instruments. It had therefore proposed a multidisciplinary approach and the establishment of links between the bodies dealing with economic issues and those dealing with human rights. In that connection, the Committee on the Rights of the Child might consider reiterating its invitation to UNDP to send a representative to take part in its dialogue. In the course of the discussion, it had often been stated that human rights must take precedence over economic values, even in periods of economic difficulty. It had also been recognized that the concept of social safety nets was potentially negative, since it assumed that the poorest members of society would bear the brunt of the social costs involved in market-oriented policies.

18. The Committee planned to participate in the World Summit for Social Development, scheduled to take place in Copenhagen in 1995. Certain human rights bodies had voiced unhappiness at the insufficient attention paid to the matter of human rights in the various preparatory sessions. The Sub-Commission had recently suggested that the Committee on Economic, Social and Cultural Rights should act as the monitoring body for the plan of action to be adopted by the Summit, a proposal originally formulated by the Committee itself. It was essential that the Summit should interact with the United Nations human rights bodies and take their work into consideration. The draft declaration and the programme of action recently prepared in New York stressed that the Summit provided an occasion for the peoples of the United Nations newly to express their determination to promote social progress and better standards of living in the context of greater freedom. Those two documents, which deserved careful study by the Committee on the Rights of the Child, emphasized solidarity, responsibility and freedom as essential social

values, and posited that those least able to adjust to change should not bear the greatest burden of world economic and social transformation. They also stated that addressing disparities among countries and forging genuine international economic cooperation and solidarity called for a multilateral commitment to improve and make more equitable the functioning of the international community. Those principles in fact echoed the spirit of the Convention on the Rights of the Child.

19. The CHAIRPERSON invited members of the Committee to comment on the report introduced by Mrs. Santos Pais.

20. Mgr. BAMBAREN GASTELUMENDI said the fact that 1996 had been designated International Year for the Eradication of Poverty offered hope for the work of the Committee. Many poor countries under review were unable, despite their good intentions, to resolve their problems and to meet the objectives of the Convention. It would be helpful if Mrs. Santos Pais could clarify her views on States parties' reporting obligations.

21. Mrs. SANTOS PAIS said that, while a country's decision to ratify the Convention was entirely voluntary, ratification did entail certain obligations, which included the submission of reports.

22. The CHAIRPERSON said that the Committee should urgently address the matter of preparation for the Summit, whose main areas of concern would include structural adjustment and its effect on the rights of the child, and international cooperation with regard to measures to remedy infringement of the rights of the child. He suggested that a working group should be set up to draft a communication that would attempt to introduce the issue of rights into the Summit approach, which did not, as currently formulated, reflect the spirit of the Convention in either language or content. The Committee would welcome the cooperation of ILO in that endeavour as well. He invited Mgr. Bambaren Gastelumendi, Mrs. Santos Pais and Mr. Mombeshora to be members of that working group.

23. If there was no objection, he would take it that the Committee wished to proceed along those lines.

24. It was so decided.

25. Mrs. EUFEMIO suggested that the Committee should also discuss any preparatory work it might wish to undertake for the World Conference on Women scheduled to take place in Beijing in 1995.

26. Mrs. SANTOS PAIS said that several regional meetings, including a European meeting, had been organized to prepare a programme of action for the Beijing Conference, one of whose main areas of concern would be the status and rights of the girl child. The Committee had decided to prepare a report on the question of the girl child, with emphasis on the status of her rights; that report could make a valuable contribution to the work of the Beijing Conference. Lastly, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) had formulated new recommendations on the status of women and of the girl child, certain aspects of which might prove useful to the deliberations of the Committee on the Rights of the Child.

27. The CHAIRPERSON suggested that a working group should be formed to discuss any contribution the Committee might wish to make to the Beijing Conference, and invited Mrs. Eufemio, Mrs. Santos Pais, Mr. Kolosov and Mrs. Badran to be its members.

28. If there was no objection, he would take it that the Committee wished to take the action he had suggested.

29. It was so decided.

30. Mrs. SANTOS PAIS said that, having proposed the administration of juvenile justice as the theme of one of the Committee's future general discussions, she hoped that topic would not be lost among the other pressing issues at hand.

31. The CHAIRPERSON suggested that, while the Committee was not currently prepared to take a decision on the theme of the next general discussion, a preliminary discussion should be placed on the agenda for consideration during the current session.

32. If there was no objection, he would take it that the Committee wished to take the action he had suggested.

33. It was so decided.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

34. The CHAIRPERSON reminded the Committee that a meeting had taken place in January 1994 at ILO headquarters to discuss cooperation between the Committee and other United Nations bodies and specialized agencies. It had been decided that an effort would be made to convene regular meetings and to address the question how those bodies could effectively relate to one another. Various points should be considered, first of all, the question how the presence of representatives of other United Nations bodies at meetings of the Committee could be made meaningful for all parties. The Committee should, of course, be prepared to adjust its method of work to allow for the participation of those representatives. It should take up, secondly, the matter of sharing information among United Nations bodies, so as to enable the Committee to conduct its discussions with States parties on a more knowledgeable basis, and thirdly, the question how the United Nations system might assist States parties in implementing the Committee's recommendations. The fact that the Committee could formulate recommendations but could not assist countries in implementing them was a systemic weakness.

35. Mrs. SANTOS PAIS agreed that another meeting should take place in January 1995. To be effective the agenda should be prepared in consultation with representatives of the other United Nations bodies. She reminded the Committee that the World Conference on Human Rights had concluded that the United Nations should conduct regular reviews of the status of the rights of the child, which in fact reaffirmed article 45 of the Convention. The Committee did not have either the structure or the budget to implement its own recommendations, and must therefore rely on the broader United Nations system

to do so. United Nations bodies and specialized agencies had recently begun, in a positive new trend, to make use of the Convention in their country and regional programmes to improve the situation of children. The Committee should define areas in which it could expect to be assisted by other United Nations bodies, as well as any means by which those bodies could employ the Convention to improve the situation of the rights of the child.

36. The CHAIRPERSON observed that if it was to be effective, any such cooperation would have to be mutually beneficial.

37. Mr. PICARD (International Labour Office), speaking at the invitation of the Chairman, said that the notion that such cooperation should benefit both parties was essential. The Committee on the Rights of the Child had published a document drawing attention to areas requiring technical assistance that it had identified on the basis of its consideration of country reports. That document, sent to all concerned bodies and multidisciplinary teams, had inquired whether agencies had taken action in any of those areas, requested information on any action they might have taken, and asked that the Committee's recommendations in those areas should be integrated into programmes of action for countries and implemented by the multidisciplinary teams. He proposed that the Committee should present, at the January meeting, a written report on the replies it had received to its questionnaire, which could serve to identify areas of concern shared by the Committee and the agencies in question.

38. The ILO International Programme on the Elimination of Child Labour had recently put forth the idea that members of the Committee should, whenever possible, be invited to participate in regional and national seminars, so that they could keep abreast of regional developments and intervene in the early stages of policy discussion.

39. The CHAIRPERSON said that information received from ILO had proved invaluable to the Committee in preparing for its meetings with States parties.

40. Mrs. EUFEMIO suggested that the working paper on goals for the year 2000 might be used as a frame of reference for the identification of priority areas to appear on the agenda for the meeting with other United Nations bodies.

41. The CHAIRPERSON observed that, since a preliminary version of that paper had been submitted before the January 1994 meeting, it was fitting that a revised version should be submitted at the next meeting. It was his understanding that the members of the Committee agreed to invite the representatives of international agencies to a meeting in January 1995, and that its agenda would comprise the various points raised at the current meeting, with special emphasis on article 45 (b) of the Convention. If there was no objection he would take it that the Committee agreed to that course of action.

42. It was so decided.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

METHODS OF WORK OF THE COMMITTEE (agenda item 9)

43. The CHAIRPERSON invited members of the Committee to begin consideration of the item by commenting on the third UNICEF-sponsored informal regional consultation, which had taken place in Africa in July 1994.

44. Miss MASON said that the five-member mission had begun its familiarization and promotional journey in Kenya, where it had met staff members of United Nations bodies active in east Africa and taken part in mutually informative public meetings with Kenyan officials. What she had personally experienced as a heart-rending visit had been paid to a camp in northern Kenya for refugees from neighbouring countries, where all-too-evident shortcomings in satisfying the basic rights of health and education had raised the question in her mind whether they should not in fact receive some measure of priority attention by Governments.

45. The mission had then split into two subgroups, travelling respectively to the southern and western parts of Africa. She herself had visited Ghana, Mali and Côte d'Ivoire, where inadequacies in ensuring the basic rights of the kind she had already mentioned had again been forcefully brought home to her.

46. Mr. KOLOSOV suggested that future field visits of the same nature, and especially the programme of activities, might be discussed more thoroughly in advance with the organizers. He had found the introductory half-day classroom briefing exercise with local experts in Kenya somewhat academic. In several countries, the mission had seen special small-scale establishments or institutions that were very similar - orphanages, centres for the disabled, and so on. It had been difficult for members of the mission to acquaint themselves with the day-to-day life of non-marginalized children. He had, however, managed to attend a class in a primary school in Bamako, Mali, where he had noted the severe shortage of even the most elementary teaching materials and aids. The orphanages visited, which he would rather describe as "transitional homes", catered for orphaned or abandoned infants up to the age of three, awaiting national or international adoption, which tended to occur fairly rapidly, except in the case of disabled children. In some cases, he had noted with concern the absence of birth registration in those institutions.

47. Among other noteworthy events, meetings had been held in Ghana with UNICEF officials, members of the National Commission for Children (established in 1979) and members of the Parliamentary Committee on Youth and Sport. His only regret was that the mission had been unable to leave with its interlocutors a written record of its impressions. A reform/rehabilitation day-school for training young people in various basic skills, which seemed to be functioning successfully despite limited resources, had also been visited. Less reassuring had been an excursion in Ghana to a large-scale industrial salt-pan, where young people, most of them girls below the age of 18, worked barefoot in what appeared to be arduous and potentially health-threatening conditions.

48. In Mali, the mission had been briefed by UNICEF representatives on the severe shortcomings in the country's health infrastructure, despite efforts to extend immunization, to implement nutrition and food security projects, and

to promote the principle of self-help. Difficulties in securing women's involvement and the distances separating many rural communities from health centres had been cited as major obstacles. On a more optimistic note, studies were under way with a view to the withdrawal of Mali's reservation to the Convention, and work was in progress on the drafting of a Children's Code and, eventually, a body of juvenile law. He had been told that technical assistance would be welcomed in that connection. Notwithstanding some of the more positive features he had mentioned, he did not have the impression that children's issues enjoyed high priority among the concerns of the country's leadership.

49. Miss MASON said that one question remaining in her mind was whether such informal visits could more beneficially be paid to countries that had ratified the Convention but not yet submitted their initial reports, in which case some useful advice might be communicated to them on the drafting of those reports or to countries which had already reported and where the mission could see for itself whether obligations under the Convention were indeed being respected.

50. The CHAIRPERSON agreed that the element of uncertainty concerning the purpose of the informal visits must be eliminated before the exercise was pursued further.

51. Mrs. SANTOS PAIS said she considered the mission to Africa to have been beneficial and commended its subregional coverage, albeit by a reduced number of Committee members. There were different but possibly complementary advantages in visits to non-States parties, to States parties that had yet to submit reports and to States parties where follow-up was called for.

52. To her mind, the African visit had had three main objectives. In Kenya, the principal objective, namely to examine in depth the question of children exposed to armed conflict, had been largely attained in practical, pragmatic terms, and had certainly enlarged the awareness of members of the mission. The second objective had been encouragement of ratification of the Convention; the visit to South Africa, in particular, had enabled the mission to try to promote that goal in many ways. The third objective, to promote improved reporting, had been pursued in Zimbabwe in particular and had, she believed, produced mutually beneficial results, notably through a great number of discussions and question-and-answer sessions with a variety of interlocutors. Lastly, the spell in Côte d'Ivoire had enabled members to weigh up the experiences and impressions they had gained during their travels.

53. Beyond the positive aspects she had just highlighted, such missions could certainly be improved upon, but they had already encouraged a new approach to children at the legislative and other levels. That was particularly important in a continent such as Africa, where the weight of tradition as a positive or negative influence on children's development, with facets that might be either compatible or incompatible with the spirit of the Convention, remained considerable and called for discussion at the national and regional levels. Missions could be of great benefit to Governments, NGOs and United Nations bodies and agencies alike, helping to demonstrate that the Convention could serve as a useful tool for the definition and improvement of activities and the monitoring of progress in United Nations-funded programmes negotiated at the country level. They could also help to demonstrate the value of the

reporting process as a means of helping donors and international financing institutions to rethink their patterns of support. As the only treaty body that enjoyed the opportunity of visiting States, whether or not they were parties and whether or not they had so far reported, the Committee was uniquely placed to verify the assertion that respect for the rights of the child constituted a benchmark of good government, to assist in achieving a better understanding of realities at the country and regional levels, and to help Governments, specialized agencies, other organs of the United Nations and NGOs, to appreciate and act on those realities.

54. Mr. MOMBESHORA said he had joined the mission for part of the time and could confirm that the visit to Zimbabwe had been most timely. It had greatly assisted the officials responsible for that country's initial report to understand how it should be drafted and had given welcome publicity to the Convention, motivating the bodies and individuals involved in its implementation to shoulder their responsibilities to the full. As a Zimbabwean and a member of the Committee, he had found that as a result of the visit his comments and advice were being increasingly sought on, for example, follow-up action to the Dakar Conference and implementation of the Dakar Plan of Action.

55. Concerning South Africa, and referring to a recent article in the Sunday Times reporting on increased violence against children in that country, he pointed to the benefits which a visit by Committee members could have for a country which had not yet ratified the Convention. In South Africa, the public was not yet very much aware of the provisions of the Convention, and the visiting Committee members had realized the extent of the current opportunity to ensure that more was done in that direction.

56. The CHAIRPERSON noted that for unavoidable reasons it had not been possible for the whole Committee to participate in the recent informal regional consultation and pointed to the need for consideration of that matter for the future. Organizational problems had arisen for UNICEF and the countries involved as a result of the uncertainty about how many members would be present. It was true that it was difficult for all members to arrange to be present at each session in Geneva as well as informal consultations of several weeks' duration which were organized elsewhere. It might therefore be more practical to have smaller groups organized to undertake more frequent visits, thus averting expectations that all Committee members would participate in all visits. Recalling that the original purposes of such regional consultations had been to promote the Convention and at the same time expose Committee members to the actual situation in different countries, it would seem that the same purposes could be achieved by arranging visits for a smaller number of Committee members. In that context he referred to the benefits of Mgr. Bambaren Gastelumendi's visit to Honduras at the time of the preparation of that country's report.

57. Mr. KOLOSOV proposed that pre-sessional working group meetings should be convened away from Geneva and be combined with visits to different regions. It might thus be possible to group countries not only by date of arrival of their reports but also by geographical location. In that way, 7- to 10-day visits might be arranged to a given region, with UNICEF assistance, in order to have a better understanding of the real situation before country reports

were considered. If one or two Committee members undertook a visit at that stage, the Committee might have a better grasp of the real situation when considering the report.

58. Mrs. EUFEMIO agreed that the visit to various African countries had been very beneficial, particularly as it had enabled Committee members to contact government officials. While it was not feasible in a two or three-day visit to study all aspects exhaustively, it was none the less possible to have a positive impact by helping to change the attitudes of officials and by placing emphasis on the Convention. In that respect, she agreed that it was not necessary for the whole Committee to be present and that two members would be sufficient; indeed, by that means, it would be possible to cover a greater number of countries. An encouraging example of such contact had been seen in the visit to Zimbabwe, where the Minister of Justice, who was also Acting Minister of Finance, had been prompted to look into the question of debt relief in relation to children. Similarly, in South Africa, following discussion with Committee members, social workers had had new ideas for studies involving children. She agreed with Mr. Kolosov that it might be useful to visit countries in conjunction with pre-sessional working groups, but consideration must be given to the possibility that such visits might influence the way reports were presented. They should not affect objectivity.

59. Mrs. SANTOS PAIS agreed that it was not essential for the Committee as a whole to take part in regional visits, particularly as, following the visits already made to Latin America, Asia and Africa in conjunction with the regular sessions in Geneva, it had been possible to obtain a global overview of the situation in various continents. It could also be disappointing for hosts if, when a visit by the whole Committee had been announced, only a small number of Committee members arrived; that might be incorrectly interpreted as a lack of interest. The Committee had reached a stage in its work where it was possible to envisage missions by a small number of members to specific countries or regions, but it was none the less important to ensure that those participating in such missions had full freedom of movement and access. The Committee's presence could be particularly helpful in supporting the process of recognizing positive aspects at country level and encouraging or sharing positive experiences. Future missions should be planned on the basis of the regions or countries from which reports were expected or where the real situation was less well known to Committee members. She regretted that the representative of UNICEF was not present at the meeting to participate in the discussion and hoped that it would be possible to have an exchange of views with him.

60. Miss MASON, elaborating on her earlier statement, said that countries having already submitted reports might also benefit from such visits by way of follow-up. In the case of Viet Nam, for example, it had proved useful to continue the dialogue with the State party and to ensure that technical assistance was available for further review of its system of juvenile justice. Other positive aspects were the exposure of the Committee's work to the general public, and the opportunity given to the Committee to see the real situation for itself. It should also be borne in mind that a five-year follow-up report was required, so that a visit after the initial report could be useful in ensuring a continuum. She agreed with the Chairperson's suggestion that Committee members should disperse in order to undertake

visits; her experience had shown that a group of only two members could be very beneficial. Indeed, it might prove in some cases that meetings with government authorities would be more open than they would be with the full Committee present.

61. Mgr. BAMBAREN GASTELUMENDI said he regretted that he had been unable to take part in the visit to Africa and agreed that it was beneficial for the Committee to undertake such visits, which represented a new type of work for treaty bodies. It was interesting to note the feedback from the media, NGOs and Governments themselves from such activity. For the future, he proposed that, where possible, programmes of visits should be established beforehand, rather than once the mission arrived in the country. Visits, in contrast to the rather discreet sessions held in Geneva, had the benefit of attracting the attention of national media and international agencies, with the result that the general public could learn about the importance of the Convention. He agreed that the system of visits should be maintained and reorganized to some extent. In that context, however, recalling the efforts which had been required to ensure UNICEF involvement, he urged that appreciation of the latter's cooperation should be expressed and efforts made to ensure that that working relationship continued.

62. Mrs. EUFEMIO, also referring to UNICEF involvement, recalled that Committee visits so far had involved the presence of senior UNICEF officials from New York, as well as local UNICEF country representatives. It was unlikely that the involvement of senior officials could continue on a regular basis for all missions and the Committee would no doubt acknowledge that their presence might be minimized in the future. A close relationship with UNICEF should nevertheless be maintained for the purposes of the organization of missions.

63. Mrs. SANTOS PAIS observed, in connection with the Committee's interaction with UNICEF, that the discussions between the two bodies had encouraged UNICEF to rethink its mandate, to some extent recasting it in the light of the Convention.

64. The CHAIRPERSON, summing up, proposed that the Committee should convey its gratitude to UNICEF for once again having organized the informal regional consultation, which the Committee had found valuable for its work and which, it hoped, had contributed to promoting awareness of the Convention in the region. Secondly, the Committee should express its wish to continue such informal consultations on an annual basis but suggested that discussions should be held with UNICEF concerning a more flexible approach, taking into account the possibility of organizing a greater number of visits by small groups of members of the Committee in such a way as to be more directly related with aspects of the Committee's work. Those aspects might include follow-up to advise on implementation of the concluding remarks of the Committee and advice on ratification or on the report-writing process. Visits should involve contacts with not only government bodies but also NGOs. Thirdly, two members of the Committee - Mrs. Eufemio and Mrs. Santos Pais - should liaise with UNICEF on that matter.

The meeting rose at 1.05 p.m.